

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE PURDUE PHARMA L.P., et al.,

Debtors

x

21 cv 7532 (CM)
21 cv 7961 (CM)
21 cv 7962 (CM)
21 cv 7966 (CM)
21 cv 7969 (CM)
21 cv 8034 (CM)
21 cv 8042 (CM)
21 cv 8049 (CM)
21 cv 8055 (CM)
21 cv 8139 (CM)

THIS FILING RELATES TO ALL CASES

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TEMPORARY RESTRAINING ORDER PENDING ARGUMENT ON THE
UNITED STATES TRUSTEE'S MOTION FOR A STAY

McMahon, J.:

The United States Trustee has anticipated by two days one of the items on MY agenda for our conference on Tuesday, that being the question of a stay pending appeal.

This court is all too familiar with the doctrine of equitable mootness as applied in the Second Circuit, as it has upended my ability to decide at least one previous bankruptcy appeal. I am also aware of the fact that the issue is presently under consideration at the United States Supreme Court, which will resolve it one way or the other this term.

I have no intention of allowing the critically important issues on appeal to be "equitably mooted," and I had intended to ask the parties about their views on a stay when we got together. Now that I have a formal motion, I intend to resolve the question ON TUESDAY, with oral argument. As long as I have jurisdiction to enter a stay pending appeal I fully intend to do so, unless some opponent comes up with an argument that I cannot presently anticipate. (though I will listen to what anyone has to say). The stay will be conditioned on adherence to an expedited briefing schedule for the appeal.

I am given to understand that the automatic stay following confirmation has already expired. Accordingly, sufficient cause appearing therefor, I hereby enter this temporary restraining order staying the effectiveness and implementation of the Bankruptcy Court's orders of September 15 and 17, 2021, from which appeals have been taken to this court (the "Advance Order" and the "Confirmation Order," respectively), as well as oral confirmation order dated September 1, 2021, and any other orders of which I might not be aware that are implicated by the pendency of these appeals.

We will take this matter up on the merits on Tuesday.

This order shall be docketed in all pending appeals.

Dated: October 10, 2021



U.S.D.J.

BY ECF TO ALL COUNSEL